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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONARD GLENN FRANCIS (1),

Defendant.

Case No. 3:13-cr-03782-JLS

Related cases:

No. 3:13-cr-03781-JLS

No. 3:13-cr-04287-JLS

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
DEFENDANT'S MOTION FOR
RELEASE PENDING SENTENCING**

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I. INTRODUCTION

In light of materially changed circumstances, defendant Leonard Glenn Francis, incarcerated since September 2013, respectfully requests release pending sentencing. There is clear and convincing evidence that Mr. Francis—an easy-to-recognize, 6’3”, fifty-year-old man weighing approximately 350 pounds, whose face has been published repeatedly by the media around this country and globally, and who is suffering from multiple health issues—will appear at all future court appearances. And there is no doubt that this Court can fashion conditions, as detailed below, that reasonably will assure such appearance.

Since the last time the issue of detention was before this Court more than 18 months ago, the facts and posture of this matter have changed fundamentally. First, on January 15, 2015, Mr. Francis accepted responsibility for his actions by pleading guilty to conspiracy to commit bribery, bribery, and conspiracy to defraud the United States, and his plea agreement includes a substantially reduced advisory Sentencing Guidelines range. *See* Dkt. No. 157, 161.¹ He no longer faces the possibility of “life in prison,” and he is even more motivated not to risk that exposure by, for example, failing to make court appearances.

Second, also pursuant to his plea agreement, Mr. Francis has made an unusual, non-court ordered, pre-sentence payment of \$5,000,000 to the government. Mr. Francis therefore not only has substantially fewer assets he could use to fund an imagined flight, but such imagined flight would result in the loss of the already-paid \$5,000,000 *and* the possibility of going to prison for most of the rest of his life in a foreign country far away from his five children, including three under the age of nine. In fact, counsel is not aware of a single case in which a defendant made a substantial repatriation of assets to the United States while remaining incarcerated pending sentencing.

Third, there are several confidential and personal reasons, including Mr. Francis’s deteriorating health, that demonstrate he can be trusted to make all required appearances;

¹ All docket citations are to case 3:13-cr-03782-JLS, unless otherwise indicated.

1 these reasons are set forth below and in the Addendum filed under seal.

2 Fourth, although such conditions are unnecessary because he can be trusted to
3 make all court appearances, Mr. Francis is willing to be subjected to an extraordinary set
4 of measures designed to remove any reasonable doubt that he poses a risk of flight. As
5 detailed below, these measures include a written waiver of any rights against extradition,
6 home confinement, a guard service, GPS monitoring, surveillance, relinquishment of
7 travel documents, a corporate surety bond, and a personal surety bond co-signed by his
8 aunt who lives in the United States.²

9 Numerous other courts have released defendants, including those facing life
10 sentences, after imposing similar or even less stringent security conditions. Recently, for
11 example, in the Northern District of California, Judge Breyer imposed similar conditions
12 on an Israeli national facing far more time in prison than Mr. Francis faces here.³ *See*
13 *United States v. Cohen*, 3:10-cr-00547-CRB, Dkt. No. 196 (N.D. Cal. 2012).

14 Accordingly, pursuant to Fed. R. Crim. P. 46(c) and 18 U.S.C. § 3143(a)(1), Mr.
15 Francis respectfully requests that he be released pending sentencing.

16 **II. STATEMENT OF THE ISSUE**

17 **A. The Original Arrest and Bail Proceedings**

18 Mr. Francis was arrested on September 16, 2013. At his initial appearance the
19 following day, the government made an oral motion to detain Mr. Francis based on flight
20 and risk to obstruct justice. *See* Dkt. No. 7. The Court set a hearing for September 20,
21 2013, and detained Mr. Francis pending that hearing. *Id.* At the hearing, Mr. Francis
22 waived his right to a detention hearing without prejudice to later applying for bail and
23

24 ² Such measures were not fully presented to this Court when prior counsel argued
25 for Mr. Francis's release more than 18 months ago.

26 ³ The conditions imposed in *Cohen* and in other cases in which the defendant was
27 a foreign national, had vast resources, and/or were released on less stringent conditions
28 are cited below.

1 conditions of release. Dkt. No. 16 at 2.

2 Mr. Francis requested a bond hearing on November 12, 2013. Dkt. No. 47. On
3 November 21, 2013, Magistrate Judge Adler held a bond hearing. Dkt. No. 58. Judge
4 Adler granted Mr. Francis's request for bond, finding that conditions could be fashioned
5 to reasonably assure Mr. Francis's appearance at court dates. *Id.*

6 In setting release conditions, Judge Adler imposed a \$1,000,000 cash/corporate
7 security bond and a \$100,000 personal surety bond co-signed by Mr. Francis and his
8 aunt, Francisca White. *Id.* Judge Adler also imposed additional security measures—
9 many proposed by Mr. Francis himself, *see* Dkt. No. 59—including restricting Mr.
10 Francis's travel to San Diego County and forbidding travel to Mexico; reporting to
11 Pretrial Services; restricting Mr. Francis's possession of narcotics, firearms, dangerous
12 weapons, or destructive devices; requiring Mr. Francis to comply with conditions to
13 legally remain in the United States; ordering that Mr. Francis relinquish travel
14 documents and restricting application for a new passport during pendency of the case;
15 mandating Mr. Francis's participation in the Location Monitoring Program by being
16 fitted with GPS monitoring and placed in home detention (at Mr. Francis's own
17 expense); restricting Mr. Francis to a rented apartment or condominium in San Diego
18 County in an upper floor of a multistory building; imposing an "extra layer of security"
19 by requiring Mr. Francis to pay to have his residence monitored by an independent
20 security company and equipped with surveillance and alarms; and requiring that Mr.
21 Francis pay for a 24-hour guard service to be present at his apartment and that would
22 alert Pretrial Services if Mr. Francis left his apartment without permission. *Id.* Judge
23 Adler stayed his order to allow the government to file an appeal with the District Court.
24 *Id.*

25 On November 22, 2013, the government filed its Motion to Revoke Conditions of
26 Release as to Mr. Francis. Dkt. No. 62-1. In its motion, the government acknowledged
27 that it had "not moved to detain [Mr. Francis] as a danger to the community." *Id.* at 12.
28 The government argued that Mr. Francis was a flight risk because he had "tremendous

1 financial resources,” “a fleet of vessels,” “offices in a dozen countries,” and “family and
 2 friends across the globe.” *Id.* at 2. The government also argued that Mr. Francis faced a
 3 life sentence and, therefore, “has nothing to lose by fleeing.” *Id.* at 9-10. The
 4 government contended that Mr. Francis, if housed in downtown San Diego, could drive
 5 about 15 minutes and enter Mexico through Tijuana, where he could then “purchase
 6 whatever travel document he needs to go to a country of his choice, including a country
 7 that does not have an extradition treaty with the United States or a country whose
 8 officials can be bribed not to enforce its treaty.” *Id.* at 12.

9 On November 25, 2013, the Court held a hearing on the government’s motion.
 10 *See* Dkt. No. 67. After the hearing, the Court issued an order granting the government’s
 11 motion to revoke Judge Adler’s order, concluding that the government had shown by a
 12 preponderance of the evidence that Mr. Francis was a flight risk and that “no condition
 13 or combination of conditions . . . would reasonably assure the appearance of [Mr.
 14 Francis] at trial.” *Id.* at ¶¶ 15-17. At that time, the Court reasoned that Mr. Francis “has
 15 no ties to the Southern District of California” and that he “has the ability to travel
 16 internationally; has the ability to move assets and personnel quickly; has the resources to
 17 readily adapt to life in other countries; and has the means to find a safe haven outside the
 18 United States.” *Id.* at ¶¶ 12, 14.

19 Mr. Francis appealed the Court’s order on December 9, 2013. Dkt. No. 77. The
 20 Ninth Circuit denied Mr. Francis’s appeal on January 16, 2014. Dkt. No. 86.

21 **B. The Plea and Changed Circumstances**

22 One year later, on January 15, 2015, Mr. Francis entered into a plea agreement
 23 with the government and pleaded guilty before Magistrate Judge Adler to three counts:
 24 conspiracy to commit bribery, bribery, and conspiracy to defraud the United States. *See*
 25 Dkt. Nos. 157 and 161. Mr. Francis also entered a plea of guilty on behalf of his
 26 company, GDMA. Dkt. No. 157. The Court accepted the guilty plea of Mr. Francis and
 27 his company on February 10, 2010. Dkt. Nos. 166 and 167. Sentencing for Mr. Francis
 28 is currently scheduled for October 9, 2015. *See* Dkt. No. 170.

1 In connection with the Plea Agreement, Mr. Francis signed a Forfeiture
 2 Addendum in which he “consent[ed] and agree[d] to the immediate entry of an order of
 3 forfeiture in the amount of \$35,000,000.00.” *See* Dkt. 161-1 at 2. Mr. Francis also
 4 agreed to make a substantial payment under the forfeiture agreement prior to sentencing.
 5 And in mid-April 2015, Mr. Francis also made an unusual pre-sentence payment of
 6 \$5,000,000 to the government.⁴ *See* Dkt. No. 140 (3:13-cr-03781-JLS).

7 In addition to his plea agreement and restitution payments, other changed
 8 circumstances, as set forth in the Sealed Addendum, bear on Mr. Francis’s Motion for
 9 Release Pending Sentencing.

10 **III. ARGUMENT**

11 Upon a finding of clear and convincing evidence that a person awaiting sentencing
 12 is “not likely to flee or pose a danger to the safety of any other person or the community
 13 if released under section 3142(b) or (c),” the Court “shall order the release of the person
 14 in accordance with section 3142(b) or (c).” 18 U.S.C. § 3143(a)(1). “Clear and
 15 convincing evidence” means more than a preponderance of the evidence but less than
 16 beyond a reasonable doubt. *See, e.g., United States v. Majors*, 932 F. Supp. 853, 855
 17 (E.D. Tex. 1996). While the defendant bears the burden under section 3143(a), *see* Fed.
 18 R. Crim. P. 46(c), “if a defendant can make the required evidentiary showing, the statute
 19 establishes a right to liberty that is not simply discretionary but mandatory: the judge
 20 ‘shall order the release of the person in accordance with section 3142(b) or (c).’” *United*
 21 *States v. Abuhamra*, 389 F.3d 309, 319 (2d Cir. 2004) (emphasis in original).

22 As with pretrial detention, for release under section 3143(a)(1), “[a]mong factors
 23 the district court should consider in determining whether to grant a convicted
 24 defendant’s motion for release pending sentencing are those factors enumerated in 18

26 ⁴ Any payments made under the Forfeiture Agreement offset any restitution
 27 obligation that might be imposed on Mr. Francis. *See* Dkt. No. 161-1 at 3. Hence, Mr.
 28 Francis’s payment of \$5,000,000 is referred to as “restitution” throughout this document.

U.S.C. § 3142(g) governing pretrial release.” *Majors*, 932 F. Supp. at 855; *see also United States v. Robledo*, 2014 WL 4755527, at *4 (S.D. Cal. Sept. 24, 2014); S. Rep. No. 225, 98th Cong., 1st Sess. at 26, reprinted in 1984 U.S. Code Cong. & Ad. News 3182, 3206 (“[C]onsideration of [the section 3142(g)] factors is required not only in proceedings concerning the pretrial release or detention of the defendant . . . but also where release is sought after conviction under section 3143.”).

The United States has not asserted that Mr. Francis poses a danger to the community if released. *See, e.g.*, Dkt. No. 62-1 at 12 (“The United States has not moved to detain Defendant as a danger to the community.”). Thus, the sole issue is whether clear and convincing evidence demonstrates that Mr. Francis is not likely to flee. Due to facts and circumstances that have changed since Mr. Francis’s last motion for release in 2013, Mr. Francis meets this burden and he should be released pending sentencing.

A. Clear And Convincing Evidence Establishes That Mr. Francis Is Not Likely To Flee

Section 3142(g) requires consideration of the following factors: (i) the nature and circumstance of the offense charged; (ii) the history and characteristics of the defendant; (iii) the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release; and (iv) the weight of the evidence. 18 U.S.C. § 3142(g).

i. The Nature And Circumstances of Mr. Francis’s Offenses - (18 U.S.C. § 3142(g)(1))

Mr. Francis pleaded guilty to three counts: conspiracy to commit bribery, bribery, and conspiracy to defraud the United States. *See* Dkt. No. 157. The nature and circumstances of these offenses do not weigh in favor of continued detention. Congress expressly listed certain types of crimes that weigh heavily in favor of detention—crimes of violence, sex trafficking, terrorism, crimes involving minor victims, and crimes involving drugs, firearms, explosives, or destructive devices. *See* 18 U.S.C. § 3142(g)(1). Mr. Francis has not been charged with or convicted of any of these crimes.

In addition, according to Mr. Francis’s plea agreement, the combined statutory

1 maximum custodial sentence for his offenses is 25 years, and the applicable advisory
 2 Sentencing Guideline range of imprisonment is substantially less. Mr. Francis already
 3 has served approximately 20 months in custody. Under his plea agreement, there is a
 4 ceiling on his potential punishment; he no longer faces the possibility of life in prison, as
 5 the government argued previously. *See* Dkt. No. 62-1 at 9-10. Mr. Francis knows that if
 6 he attempted to flee, he would lose the benefits of his plea agreement and face new
 7 charges. If the government's previous argument that Mr. Francis had "nothing to lose"
 8 ever had any merit, it certainly does not now.

9 **ii. Mr. Francis's History And Characteristics - (18 U.S.C. §**
 10 **3142(g)(3))**

11 Mr. Francis's history and characteristics, when considered in accordance with the
 12 factors set forth in the statute, demonstrate he can be trusted to appear.

13 (a) Mr. Francis's diminished financial resources favor release

14 Mr. Francis's diminished financial resources weigh in favor of release. Neither
 15 Mr. Francis nor GDMA have the financial resources that they did at the time of his
 16 arrest. Notably, true to his word, Mr. Francis paid a significant amount of his remaining
 17 assets as pre-sentence restitution. Mr. Francis and GDMA no longer own a "fleet of
 18 vessels," nor does he have offices in a dozen countries. Reportedly, many former
 19 GDMA employees immediately abandoned the company after Mr. Francis's arrest and
 20 detention, taking company assets with them. In short, Mr. Francis, neither individually
 21 nor through his company, "has the resources to readily adapt to life in other countries" or
 22 "the means to find a safe haven outside the United States." Dkt. No. 67 at ¶ 14.

23 Even if it were the case that Mr. Francis had resources, courts regularly release
 24 defendants with access to resources sufficient to post large bail amounts. *See, e.g.,*
 25 *United States v. Simels*, No. 1:08-cr-00640-DLI, Dkt. Nos. 8, 176, 177, 203 (E.D.N.Y.
 26 2009) (defendant convicted at trial of conspiracy to obstruct justice via witness
 27 tampering and other crimes, facing maximum sentence of life in prison, released post-
 28

1 verdict on \$3.5 million bond, three co-signors, home detention with electronic
 2 monitoring); *United States v. Dreier*, No. 1:09-cr-00085-JSR-1, Dkt. Nos. 22, 64, 68, 76
 3 (S.D.N.Y. 2009) (defendant convicted of multi-hundred million dollar international
 4 fraud, released after guilty plea on \$10 million bond, and home detention with guards, no
 5 computer access, surrender of travel documents, and strict reporting requirements and
 6 electronic monitoring); *United States v. Lay*, No. 4:04-cr-00025-3, Dkt. Nos. 1024, 1025,
 7 1027 (S.D. Tex. 2006) and *United States v. Skilling*, No. 4:04-cr-00025-2, Dkt. Nos. 24,
 8 1024, 1048 (S.D. Tex. 2006) (defendants released after convictions for fraud on \$5
 9 million bonds); *United States v. Forbes*, No. 3:02-cr-0264-AWT-1, Dkt. Nos. 2572, 2723
 10 (D. Conn. 2006) (defendant released on \$1.2 million bond after conviction on \$3 billion
 11 fraud); *United States v. Kumar*, No. 1:04-cr-00846-ILG, Dkt. Nos. 3, 213, 216, 223
 12 (E.D.N.Y. 2006) (after \$5 million bond and guilty plea to billion-dollar fraud, defendant
 13 released pending sentencing); *United States v. Waksal*, 1:02-cr-01041, Dkt. Unnumbered
 14 6/12/2002, 10/15/2002, and 3/3/2003 Entries, Nos. 54, 61 (S.D.N.Y. 2003) (defendant
 15 pleaded guilty to multiple counts of fraud granted bail pending sentence on \$10 million
 16 bond, permitted to self-surrender).

17 (b) Mr. Francis's physical and mental condition weigh in favor of
 18 release

19 Mr. Francis's physical condition weighs in favor of release. Mr. Francis is fifty
 20 years old, stands 6' 3", and weighs approximately 350 pounds. As this Court is aware
 21 and as is more fully set forth in the Sealed Addendum to this motion, Mr. Francis has
 22 faced significant health challenges since his arrest. *See, e.g.*, Dkt. Nos. 176 and 195.
 23 Indeed, Mr. Francis's medical condition has only deteriorated since he has been
 24 incarcerated. Not only would the proposed terms of release allow for better medical
 25 care, but Mr. Francis's physical condition, including his health problems, further
 26 underscore the implausibility of any notion he could live life as a fugitive. And Mr.
 27 Francis is not someone who would go unnoticed if he fled; in addition to his size, the
 28 continued international media coverage of this case results in his picture and name being

1 broadcast on the Internet with each development related to this case.⁵ Mr. Francis knows
 2 that if he attempted to flee, he would be caught immediately and lose the benefits of his
 3 plea agreement just as fast.

4 (c) Mr. Francis has strong family ties that favor release

5 Mr. Francis's strong family ties weigh in favor of release. Mr. Francis is the father
 6

7 ⁵ See, e.g., Free Malaysia Today, *US Navy Officer Pleads Guilty to Bribery in*
 8 *Corruption Probe*, Apr. 16, 2015,
 9 [http://www.freemalaysiatoday.com/category/world/2015/04/16/us-navy-officer-pleads-](http://www.freemalaysiatoday.com/category/world/2015/04/16/us-navy-officer-pleads-guilty-to-bribery-in-corruption-probe/)
 10 [guilty-to-bribery-in-corruption-probe/](http://www.freemalaysiatoday.com/category/world/2015/04/16/us-navy-officer-pleads-guilty-to-bribery-in-corruption-probe/); The Straits Times, *"Fat Leonard" Pleads Guilty*
 11 *in US Navy Bribery Case*, Jan. 17, 2015, [http://www.straitstimes.com/the-big-story/asia-](http://www.straitstimes.com/the-big-story/asia-report/malaysia/story/fat-leonard-pleads-guilty-us-navy-bribery-case-20150117)
 12 [report/malaysia/story/fat-leonard-pleads-guilty-us-navy-bribery-case-20150117](http://www.straitstimes.com/the-big-story/asia-report/malaysia/story/fat-leonard-pleads-guilty-us-navy-bribery-case-20150117); The Sun
 13 Daily, *"Fat Leonard" Pleads Guilty in US Navy Bribery Scandal*, Jan. 16, 2015,
 14 <http://www.thesundaily.my/news/1298464>; Raf Sanchez, *Malaysian Businessman Bribed*
 15 *'Dozens' of US Navy Officers with Prostitutes and Suckling Pigs*, The Telegraph, Jan. 16,
 16 2015,
 17 [http://www.telegraph.co.uk/news/worldnews/northamerica/usa/11351232/Malaysian-](http://www.telegraph.co.uk/news/worldnews/northamerica/usa/11351232/Malaysian-businessman-bribed-dozens-of-US-Navy-officers-with-prostitutes-and-suckling-pigs.html)
 18 [businessman-bribed-dozens-of-US-Navy-officers-with-prostitutes-and-suckling-](http://www.telegraph.co.uk/news/worldnews/northamerica/usa/11351232/Malaysian-businessman-bribed-dozens-of-US-Navy-officers-with-prostitutes-and-suckling-pigs.html)
 19 [pigs.html](http://www.telegraph.co.uk/news/worldnews/northamerica/usa/11351232/Malaysian-businessman-bribed-dozens-of-US-Navy-officers-with-prostitutes-and-suckling-pigs.html); The Star Online, *Fourth US Officer Charged Over "Fat Leonard" Bribery*
 20 *Scandal*, Apr. 18, 2014, [http://www.thestar.com.my/News/Nation/2014/04/18/court-Fat-](http://www.thestar.com.my/News/Nation/2014/04/18/court-Fat-Leonard-US-navy-scandal/)
 21 [Leonard-US-navy-scandal/](http://www.thestar.com.my/News/Nation/2014/04/18/court-Fat-Leonard-US-navy-scandal/); Erik Slavin, *Yokosuka Sailor Charged in Navy Bribery*
 22 *Scandal*, Stripes Okinawa, Apr. 17, 2014, [http://okinawa.stripes.com/news/yokosuka-](http://okinawa.stripes.com/news/yokosuka-sailor-charged-navy-bribery-scandal/)
 23 [sailor-charged-navy-bribery-scandal](http://okinawa.stripes.com/news/yokosuka-sailor-charged-navy-bribery-scandal/); Malay Mail Online, *Bribery Scandal: A US Naval*
 24 *Officer's Fall from Grace*, Nov. 28, 2013,
 25 [http://www.themalaymailonline.com/world/article/bribery-scandal-a-us-naval-officers-](http://www.themalaymailonline.com/world/article/bribery-scandal-a-us-naval-officers-fall-from-grace/)
 26 [fall-from-grace/](http://www.themalaymailonline.com/world/article/bribery-scandal-a-us-naval-officers-fall-from-grace/); Jeanette Steele, *Who's Who in Navy Bribery Case*, U-T San Diego,
 27 Nov. 25, 2013, [http://www.utsandiego.com/news/2013/nov/25/navy-bribery-](http://www.utsandiego.com/news/2013/nov/25/navy-bribery-investigation-glenn-defense-hp/)
 28 [investigation-glenn-defense-hp/](http://www.utsandiego.com/news/2013/nov/25/navy-bribery-investigation-glenn-defense-hp/).

1 of three young children, ages six, seven, and eight. He also has two college-age sons,
 2 including one enrolled in college in Boston. And Mr. Francis wants to be able to take
 3 care of his seventy-year-old mother and seventy-nine-year-old father as they age. Mr.
 4 Francis understands that if he fled, he would be caught, returned to the United States,
 5 and face the real possibility of never seeing his family again.

6 Mr. Francis also has family ties to the United States. His aunt (his mother's sister)
 7 lives in Baltimore, Maryland. Mr. Francis's aunt is a United States citizen and works as
 8 a coordinator at a hospital in Baltimore. Mr. Francis's godson is also a United States
 9 citizen who lives with his mother, Mr. Francis's aunt. Mr. Francis is a part of their lives
 10 and has a strong relationship with them; indeed, Mr. Francis's aunt and godson *twice*
 11 flew across the country to support Mr. Francis during hearings in this case. In addition,
 12 Mr. Francis's aunt has agreed to co-sign a substantial personal surety bond. Mr.
 13 Francis's aunt is likewise willing and ready to pledge her house as security for a bond for
 14 Mr. Francis, if the Court deems it necessary. Mr. Francis understands that if he fled, it
 15 would leave his aunt to face creditors—a situation that could be financially disastrous for
 16 her. Furthermore, Mr. Francis has a son who has studied in the United States and plans
 17 to complete his degree in this country. In sum, Mr. Francis has ties to this country and
 18 his flight would jeopardize the finances and futures of those he would leave behind.
 19 Thus, Mr. Francis's family ties weigh heavily in favor of release.

20 (d) Mr. Francis's past conduct favors release

21 Mr. Francis's past conduct weighs in favor of release. He has no prior history
 22 relating to drug or alcohol abuse. Mr. Francis has no scorable criminal history for
 23 Sentencing Guideline purposes. His only criminal history consists of a nearly thirty-year
 24 old weapons possession charge in Malaysia when Mr. Francis was approximately
 25 twenty-one years old. Consistent with his conduct in this case, he faced those charges
 26 and did not flee from them. He will continue to do the same here.

27 Mr. Francis has never failed to attend a court proceeding. He has demonstrated
 28

1 that he will answer for his actions; he came to San Diego to meet with Navy officials
 2 despite his knowledge that he was or had been under investigation by law enforcement
 3 agents here. This visit ultimately led to Mr. Francis's arrest and incarceration in
 4 connection with the present case. *See United States v. Sanchez*, 2011 WL 744666, at *2
 5 (C.D. Cal. Feb. 23, 2011) (holding that a defendant with ties and the ability to relocate to
 6 Mexico was not a flight risk for purposes of pretrial detention under section 3142 where
 7 the defendant was "aware of the threat of prosecution" yet never fled).

8 Additionally, Mr. Francis has been charitable throughout his life. A small
 9 sampling of these charitable works is attached as Exhibit 1. Further, for more than
 10 twenty-five years, Mr. Francis, through his company, provided stellar services to the
 11 United States Navy. Under his watch, the safety and security of sailors and ships were
 12 never compromised.

13 Accordingly, Mr. Francis's past conduct weighs in favor of release.

14 (e) Mr. Francis's ties to the United States favor his release

15 As previously noted, Mr. Francis has strong familial ties to the United States,
 16 weighing in favor of his release. *See United States v. Townsend*, 897 F.2d 989, 995 (9th
 17 Cir. 1990) (holding, under section 3142(g), that "community" "embraces both the
 18 community in which the charges are brought and also a community in the United States
 19 to which the defendant has ties," and explaining that "[w]hen assessing an alien
 20 defendant's ties to the United States, factors to be considered include . . . whether
 21 defendant has any relatives who are United States residents or citizens").

22 Moreover, Mr. Francis's Malaysian citizenship cannot be the deciding factor as to
 23 whether Mr. Francis should be released. Indeed, the Ninth Circuit has made clear that
 24 alienage cannot be used to short-cut the release analysis such that *any* non-United States
 25 citizen is necessarily a flight risk. *See, e.g., United States v. Motamedi*, 767 F.2d 1403,
 26 1408 (9th Cir. 1985) (explaining under an analysis of section 3142(g)'s factors that
 27 alienage alone "does not point conclusively to a determination" that an individual poses
 28 a flight risk). And in practice, courts have released defendants who are foreign nationals

or have foreign ties. *See, e.g., United States v. Cohen*, No. 3:10-cr-00547-CRB, Dkt. No. 196 (N.D. Cal. 2012) (releasing defendant, an Israeli passport holder, pending trial, and imposing a private security guard, home detention, and a \$10 million bond, among other measures); *United States v. Bennett*, No. 1:05-cr-01192-NRB-1, Dkt. Unnumbered 10/12/2005 and 2/15/2008 Entries, No. 159 (S.D.N.Y. 2008) (non-U.S. citizen defendant pleaded guilty to multi-million dollar fraud scheme, granted bail pending sentencing with house arrest and electronic monitoring); *United States v. Karni*, 298 F. Supp. 2d 129, 133 (D.D.C. 2004) (concluding, despite being accused of acquiring products capable of triggering nuclear weapons and exporting them to Pakistan, that an Israeli national living in South Africa with “no ties to the United States or to the Washington, D.C. area” would be released prior to trial upon imposition of certain release conditions, including waiver of rights against extradition); *United States v. Awadallah*, 173 F. Supp. 2d 186, 192 (S.D.N.Y. 2001) (concluding that sufficient release conditions were available to ensure appearance at trial, despite the defendant’s flight risk due to “significant ties to Jordan”); *United States v. Khashoggi*, 717 F. Supp. 1048, 1048, 1051-2 (S.D.N.Y. 1989) (ordering the pretrial release of an “enormously wealthy and well-known Saudi Arabian businessman,” arrested abroad, where financial and diplomatic guarantees were provided). Thus, Mr. Francis’s ties to Malaysia are not reason to deny him release.

In sum, especially in light of the change in circumstances, Mr. Francis’s history and characteristics weigh in favor of pre-sentence release under conditions fashioned by the Court.

iii. Danger To The Community - (18 U.S.C. § 3142(g)(4))

The government agrees that Mr. Francis is not a danger to the community. *See, e.g.,* Dkt. No. 62-1 at 12 (“The United States has not moved to detain Defendant as a danger to the community.”). As a result, this factor weighs heavily in favor of release.

iv. The Weight Of The Evidence - (18 U.S.C. § 3142(g)(2))

The weight of the evidence is the least important factor to consider. *See, e.g.,*

1 *United States v. Gebro*, 948 F.2d 1118, 1121 (9th Cir. 1991). Here, Mr. Francis has
 2 accepted responsibility for his actions by entering into a plea agreement. The effect of
 3 that development is to make it even more implausible that Mr. Francis might attempt to
 4 flee. If he were to do so, he would be caught within minutes. Once caught, his guilt on
 5 these crimes is already established, he would lose all benefits of his plea agreement, and
 6 guilt on the new crimes (including but not limited to contempt of court) essentially
 7 would be established.

8 As a result, in light of his acceptance of responsibility, Mr. Francis has every
 9 incentive to continue to adhere to the terms of his plea agreement and future orders of
 10 the court. *See generally United States v. Dreier*, No. 1:09-cr-00085-JSR-1, Dkt. Nos. 22,
 11 64, 68, 76 (S.D.N.Y. 2009) (defendant convicted of multi-hundred million dollar
 12 international fraud, released after guilty plea on \$10 million bond, home detention with
 13 guards, no computer access, surrender of travel documents, and strict reporting
 14 requirements and electronic monitoring); *United States v. Bennett*, No. 1:05-cr-01192-
 15 NRB-1, Dkt. Unnumbered 2/15/2008 Entry, No. 159 (S.D.N.Y. 2008) (non-U.S. citizen
 16 defendant pleaded guilty to multi-million dollar fraud scheme, granted bail pending
 17 sentencing with house arrest and electronic monitoring); *United States v. Kumar*, 1:04-
 18 cr-00846-ILG, Dkt. Nos. 213, 216, 223 (E.D.N.Y. 2006) (after guilty plea to billion-
 19 dollar fraud, defendant released pending sentencing and even permitted to make
 20 international trip).

21 Accordingly, there is clear and convincing evidence that Mr. Francis is not a risk
 22 of flight. Nonetheless, to further demonstrate his commitment to attend all future court
 23 appearances as required, Mr. Francis is willing to be subjected to, and to pay for,
 24 conditions imposed by this Court that go far beyond reasonably assuring his appearance
 25 as ordered by the Court.

26 **B. Mr. Francis Will Agree to Extraordinary Conditions That Will Further**
 27 **Assure His Appearance at Sentencing and Other Proceedings - (18**
 28 **U.S.C. § 3142(c))**

A combination of release conditions exist that would far more than reasonably

1 assure that Mr. Francis will appear at sentencing and all other court dates. *See* U.S.C. §
 2 3143(a)(1). These security conditions, coupled with the factors described above, make
 3 overwhelmingly plain that Mr. Francis is not likely to flee. Although these conditions
 4 are unnecessary, Mr. Francis is prepared to abide by any or all of them should the Court
 5 so order.

6 In addition to any other conditions the Court may impose, these conditions would
 7 include the following:

8 (1) A corporate surety bond

9 Mr. Francis agrees to provide the Court with a bail bond executed by an approved
 10 solvent corporate surety in the amount of \$1,000,000 that covers all conditions of
 11 release. Mr. Francis will arrange for a bail bond with a reputable bond company with
 12 significant experience tracking individuals internationally. Mr. Francis thus understands
 13 that even if he were to flee, he would have not only the United States and foreign
 14 governments tracking him, but also a financially motivated professional bond company
 15 paying bounty hunters to find him.

16 (2) A personal appearance bond

17 Mr. Francis also will sign a personal appearance bond in the amount of \$100,000
 18 to be cosigned by his aunt. Mr. Francis would not leave his mother's sister and his
 19 godson to face creditors.⁶ This moral suasion weighs significantly in Mr. Francis's
 20 favor. *See generally United States v. Batista*, 163 F. Supp. 2d 222, 224 (S.D.N.Y. 2001)
 21 (explaining that the moral suasion of suretors weighs on a determination of release under
 22 a section 3142 analysis).

23 (3) Restricted to an upper floor residence

24 Mr. Francis will live on an upper level floor of a rented apartment or
 25 condominium approved by Pretrial Services. If the government remains concerned
 26 _____

27 ⁶ As noted above, Mr. Francis's aunt is also willing to pledge her home as security
 28 for a bond if the Court deems it necessary.

1 about the proximity of Mexico and the coast, there are many locations still within the
 2 Southern District of California that are located farther north and farther inland than the
 3 city of San Diego.

4 (4) Home confinement and GPS

5 Mr. Francis will participate in home confinement with GPS monitoring (including
 6 an ankle transmitter) supervised by Pretrial Services, and Mr. Francis will pay for the
 7 cost of this program. Mr. Francis will be confined to his residence except for visits to his
 8 attorneys' offices, court hearings, religious services, medical and dental appointments,
 9 and as otherwise authorized by the Court.

10 (5) Electronic monitoring of residence

11 Mr. Francis will pay for his residence to be monitored by an independent security
 12 company that will install surveillance cameras on the external doors and alarms on all
 13 windows and external doors. This company will be ordered to alert the U.S. Marshal's
 14 Office, the U.S. Attorney's Office, and Pretrial Services in the event of any unauthorized
 15 attempt to leave the residence.

16 (6) Private security measures, including guard service

17 Mr. Francis will subject himself to a 24-hour guard service⁷ that will be present at
 18 his residence at all times, and that will immediately alert any requested authorities if Mr.
 19 Francis attempts to leave his residence without permission. Highly trained, off-duty
 20 and/or retired law enforcement officers will monitor Mr. Francis. Specifically, the guard
 21 service will monitor all of Mr. Francis's activity; communicate with the appropriate
 22 authorities for purposes of verification of Mr. Francis's schedule; limit and control
 23 access to areas that could create a flight risk; as mandated by the court, monitor GPS
 24 tracking devices; escort Mr. Francis whenever he leaves his residence; provide
 25 _____

26 ⁷ Mr. Francis, through representatives, has already contacted multiple security
 27 firms and received several security proposals. Mr. Francis stands ready to provide a
 28 proposal to the Court to cover the security measures the Court deems necessary.

management oversight and response to any critical issues 24 hours a day; deploy assets for rapid interdiction of threat and or medical emergencies; and provide the government with a list of names of employees (with dates of birth and social security numbers) who will be responsible for guarding Mr. Francis, along with the schedule for when specific employees will be assigned to guard Mr. Francis. Additionally, Mr. Francis will give his express consent in writing to “temporary preventative detention and the use of reasonable force” by the guards, armed if necessary, to thwart any attempt to flee.

(7) Limited visitors; visitors subject to search

Any visitors to Mr. Francis’s residence, with the exception of specified counsel of record, will be screened, searched, and logged, and must be pre-approved, expressly and in writing, by Pretrial Services. The guard service will monitor and record all incoming and outgoing deliveries.

(8) Monitored communications

Mr. Francis agrees that his non-attorney phone calls will be subject to monitoring. Mr. Francis’s apartment will be equipped only with a land-line. Mr. Francis will not have a cell phone and will not be allowed to use one at any time. Mr. Francis’s residence will be equipped with one computer with a single Internet connection.

(9) Frequent communication and random checks

Mr. Francis will telephone a Pretrial Services officer every day at a specified time or times as directed. He will be subject to random visits by a Pretrial Services officer.

(10) Surrender of travel documents

Mr. Francis will surrender any travel document, including his valid Malaysian passport. Mr. Francis will not apply for a new passport during the pendency of his case.

(11) Waiver of extradition

Mr. Francis will sign a document waiving any and all rights against extradition. The United States already has an extradition treaty with Malaysia. *See Treaty on Extradition, U.S.-Malaysia, TIAS 97-602.*

(12) No possession of narcotics or controlled substances

1 Mr. Francis will not possess or use any narcotic drug or controlled substance
2 without a lawful medical prescription.

3 (13) No possession of firearm, dangerous weapon, or destructive
4 device

5 Mr. Francis will not possess any firearm, dangerous weapon, or destructive device
6 during the pendency of the case.

7 Mr. Francis is also amenable to additional reasonable security measures that the
8 government or the Court might wish to impose to supplement this list. Mr. Francis
9 simply is not going anywhere, and these measures go above and beyond “reasonably
10 assuring” his continued appearances in these proceedings.

11 Especially in light of the materially changed circumstances in the 18 months
12 since the Court last considered this issue, Mr. Francis can be trusted to make all required
13 court appearances. Further, as demonstrated by the cases cited herein in which courts
14 have released defendants posing a substantial risk of flight (and released them under
15 similar or lesser conditions), imposing some or all of the extraordinary conditions listed
16 above will far more than “reasonably assure” his future appearance. Indeed, they make
17 it all but certain, as it would take unprecedented action movie stunts to find a way
18 through them.

19 **C. The Security Measures Proposed Are Similar to What Other Courts**
20 **Have Ordered in Cases Where the Defendants Faced Significantly**
More Jail Time Than Mr. Francis

21 Although these measures are not necessary in this case, security measures such as
22 these are similar to those that have been implemented in cases in which heightened
23 security measures were deemed necessary—including where the defendant faced
24 significantly more jail time than Mr. Francis. *See, e.g.,* Ex. 2 at ¶¶ 9-11 (*United States v.*
25 *Francis*, Nos. 13-50589, 13-50591 (9th Cir.), Declaration of Adam Torres, Dkt. No. 10-2
26 (citing examples); *United States v. Simels*, No. 1:08-cr-00640-DLI, Dkt. Nos. 8, 176,
27 177, 203 (E.D.N.Y. 2009) (defendant convicted at trial of conspiracy to obstruct justice
28 via witness tampering and other crimes, facing maximum sentence of life in prison,

1 released post-verdict on \$3.5 million bond, three co-signors, home detention with
 2 electronic monitoring); *United States v. Dreier*, No. 1:09-cr-00085-JSR-1, Dkt. Nos. 22,
 3 64, 68, 76 (S.D.N.Y. 2009) (defendant convicted of multi-hundred million dollar
 4 international fraud, released after guilty plea on \$10 million bond, home detention with
 5 guards, no computer access, surrender of travel documents, and strict reporting
 6 requirements and electronic monitoring); *United States v. Madoff*, 1:08-mj-02735, Dkt.
 7 No. 15, 22 (S.D.N.Y. 2008) (facing massive fraud charges, defendant released pretrial
 8 on \$10 million bond, surrender of travel documents, home detention and electronic
 9 monitoring, 24-hour guard service, surveillance, among other measures); *see also New*
 10 *York v. Strauss-Kahn*, No. 0256/2011 (facing sexual assault charges, released on \$6-
 11 million bail package, electronic monitoring and guard service, *see* Geraldine Baum,
 12 *Former IMF Chief Is Released From Jail*, L.A. Times, May 21, 2011,
 13 <http://articles.latimes.com/2011/may/21/nation/la-na-imf-sexual-assault-20110521>).

14 Notably, security measures similar to these persuaded Judge Breyer in the
 15 Northern District to release a foreign national defendant facing a much more significant
 16 sentence than Mr. Francis. In *United States v. Cohen*, No. 3:10-cr-00547-CRB (N.D.
 17 Cal. 2012), the court released the defendant, an Israeli citizen with foreign ties, pending
 18 trial, while imposing security measures, including electronic monitoring, home
 19 detention, supervision by armed-guards (paid for by the defendant's friends or relatives),
 20 consent to preventative detention and the use of reasonable force, restriction on and
 21 monitoring of defendant's means of communication, limitations on visitors, surrender of
 22 travel documents, and waiver of extradition rights, among other measures. *Id.* at Dkt.
 23 No. 196. Due to the defendant's foreign ties and the amount of money involved, the
 24 government argued against release. Nonetheless, Judge Breyer found conditions that
 25 could—and did—reasonably assure the appearance of the defendant at trial.⁸ *See id.* at
 26

27 ⁸ One of the security proposals we have received is from the company Judge
 28 Breyer relied on in the *Cohen* case.

Dkt. Nos. 196, 294.

D. Releasing Mr. Francis Would Be Consistent With the Treatment of Other Defendants in this Case

Finally, it is worth noting that Mr. Francis should not be treated worse, or even differently, than the other persons who possess similar characteristics and have been charged with the same offenses in related cases and granted bail, even post-conviction. Almost every other defendant has been released, including:

- Defendants facing long custodial sentences (John Bertrand Beliveau II's maximum possible custodial sentence is twenty years, *see* 3:13-cr-03781-JLS; Jose Luis Sanchez's maximum possible custodial sentence is twenty years, *see* 3:13-cr-04287-JLS);
- Defendants who were not arrested in California (John Bertrand Beliveau II was arrested in Virginia, *see* 3:13-cr-03781-JLS, Dkt. Unnumbered Entry 9/16/2013; Jose Luis Sanchez was arrested in Florida, *see* 3:13-cr-4287-JLS, Dkt. Unnumbered Entry 11/06/2013, Dkt. No. 7; Michael Misiewicz was arrested in Colorado, *see* 13-cr-03782-JLS, Unnumbered Dkt. Entry 9/17/2013);
- Defendants who have not pleaded guilty (Michael Misiewicz, arrested in 2013; *see* 3:13-cr-03782-JLS, Dkt.); and
- Defendants who did not plead guilty on dates that preceded the issuance of their orders of release (Dan Layug, *see* 3:14-cr-01354-JLS, Dkt. No. 6; Edmond Aruffo, *see* 3:14-cr-01924-JLS, Dkt. No. 3; Daniel Dusek, *see* 3:15-cr-00131-JLS, Dkt. Unnumbered Entry 1/15/15, No. 4; and Todd Dale Malaki, *see* 3:15-cr-00967-JLS, Dkt. Nos. 1, 3 and 8).

Moreover, just about every defendant who has been released has also been permitted to travel. Consider:

- Beliveau's permission to travel to Maryland, Virginia, Washington D.C. and Pennsylvania (3:13-cr-03781-JLS, Dkt. Nos. 66, 69 and 81);

- 1 • Dan Layug’s permission to travel to Las Vegas, Nevada (3:14-cr-01354-JLS,
2 Dkt. No. 53);
- 3 • Edmond Aruffo’s permission to travel to Las Vegas, Nevada (3:14-cr-01924-
4 JLS, Dkt. No. 6);
- 5 • Jose Luis Sanchez’s permission to travel to Florida and New Mexico (3:13-cr-
6 04287-JLS, Dkt. Nos. 15, 71, and 72); and
- 7 • Michael Misiewicz’s permission to travel to Illinois, Texas, and Florida, and
8 Mexico for the holidays (3:13-cr-03782-JLS, Dkt. Nos. 75, 110, 144, 184).

9 Even persons who pleaded guilty to using their positions in the U.S. Navy to
10 provide classified ship schedule information in return for prostitutes, luxury hotels, cash
11 and other items have been granted release conditions that allow them to travel for the
12 Navy. *See* 3:15-cr-00967-JLS, Dkt. No. 11 (Order of Release re Todd Dale Malaki)
13 (permitting defendant to retain his passport if the U.S. Navy required him to do so for his
14 position and to retain a firearm if required by his employment); *see also* 3:15-cr-00131-
15 JLS, Dkt. No. 7 (Order of Release re Daniel Dusek) (permitting “travel on orders and for
16 personal reasons with permission of PTS”). These defendants were granted both release
17 and rights to travel despite the fact that they share many of the same characteristics of
18 Mr. Francis. Mr. Francis should not be treated differently.

19 **IV. CONCLUSION**

20 For the reasons stated above and in the Sealed Addendum, the evidence is clear
21 and convincing that Mr. Francis is not likely to flee. The Court can fashion conditions
22 that not only reasonably assure Mr. Francis’s continued appearance, but that effectively
23 guarantee it. Mr. Francis has thus carried his burden under 18 U.S.C. § 3143(a)(1), and
24 the Court should release Mr. Francis pending sentencing.

25 Dated: May 15, 2015

/s/ Sara J. O’Connell

Sara J. O’Connell

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